

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TYRONE WALKER, *
 Plaintiff, *
-v- 17-cv-1008 *
JOSEPH BELLNIER, et al., *
 Defendants. *

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE CHRISTIAN F. HUMMEL
January 23, 2020
445 Broadway, Albany, New York

FOR THE PLAINTIFF:

TYRONE WALKER, Pro Se - Via Teleconference
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

FOR THE DEFENDANTS:

NEW YORK STATE ATTORNEY GENERAL'S OFFICE
BY: Lynn Knapp, AAG
The Capitol
Albany, New York 12224

1 COURT CLERK: The case is Walker versus
2 Bellnier, et al., docket number 17-cv-1008.

3 Appearances for the record, please.

4 MS. KNAPP: Good morning, your Honor. I'm
5 Assistant Attorney General Lynn Knapp. I'm here this
6 morning on behalf of the defendants.

7 THE COURT: Good morning, Ms. Knapp.

8 MR. WALKER: Tyrone Walker, the plaintiff.

9 THE COURT: Good morning, Mr. Walker.

10 The Court scheduled this conference this
11 morning to address Docket No. 54, which is a motion
12 filed by Mr. Walker seeking, among other things, to
13 compel further responses to various discovery demands
14 served upon defendants, and to reflect that Mr. Walker
15 does not consent to the jurisdiction of the magistrate
16 judge in this matter. That motion was filed on
17 November 7th, 2019.

18 In that motion, Mr. Walker seeks additional
19 responses to interrogatories, his second set of
20 admission, and his request for production of documents.

21 In his motion of November 7th, 2019,
22 Mr. Walker references the arguments raised in his
23 September 9th of 2019 motion to compel at the time that
24 this motion was filed. The Court had not as yet
25 rendered a decision with respect to his September 9th,

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1 2019, motion to compel.

2 In the interim, since this motion was to be
3 filed, the Court has in fact rendered a decision with
4 respect to the September 9th, 2019, motion to compel.
5 At present time, Mr. Walker has filed objections to that
6 decision, which are pending before Chief United States
7 District Court Judge Suddaby, and the defendants have
8 filed a response to that appeal.

9 Docket No. 55 is Ms. Knapp's response to
10 Mr. Walker's November 7th, 2019, motion to compel. In
11 that response, Ms. Knapp incorporated by reference the
12 opposition which was filed to his earlier motion to
13 compel, which was filed on or about September 9th of
14 2019.

15 Mr. Walker and Ms. Knapp, it's my intention to
16 go through each of these voluminous requests, one at a
17 time, giving each party an opportunity to be heard where
18 necessary and to render a decision with respect to the
19 pending motion. I'll then have a copy of today's
20 transcript prepared, when our court reporter has time,
21 and prepare an order and I will annex the transcript of
22 today's proceeding to that order and incorporate it by
23 reference.

24 Mr. Walker, sir, just as a preliminary matter,
25 I think you and I addressed this on the occasion that we

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1 were last together with respect to your prior motion to
2 compel but with respect to the issue of magistrate
3 jurisdiction, I believe I explained to you that in fact
4 there has been no consent by either you or Ms. Knapp to
5 magistrate jurisdiction and, in fact, to the extent that
6 I render any decision, you have the right to seek review
7 of that decision in front of the District Court judge.

8 Do you recall that conversation, Mr. Walker,
9 sir?

10 MR. WALKER: Yes.

11 THE COURT: Mr. Walker, sir, I apologize. I
12 can barely hear you.

13 MR. WALKER: Yes.

14 THE COURT: Okay. So you understand,
15 Mr. Walker, sir, that no one is contending you consented
16 to magistrate judge jurisdiction but, rather, to the
17 extent I render a decision today which you or Ms. Knapp
18 or both of you are unhappy with, you can certainly
19 proceed, as you did in an earlier case, and file an
20 appeal of that magistrate decision to Chief Judge
21 Suddaby. Do you understand that, sir?

22 MR. WALKER: Yes.

23 THE COURT: Okay. The first item in dispute --
24 if I can just back up momentarily.

25 I would note that when Mr. Walker filed his

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1 motion to compel on November 7th of 2019 he did not
2 annex copies of the disputed interrogatories, request
3 the production of documents or notice to admit. I have
4 obtained copies of those responses, as well as
5 Mr. Walker's demands, directly from Ms. Knapp through a
6 conversation which she had with Ms. Burtt of my office.

7 Mr. Walker, sir, do you have in front of
8 you -- if we start with your request for production of
9 documents, sir, do you have those?

10 MR. WALKER: Yes.

11 THE COURT: All right. I have requested
12 production of documents. The first of which is
13 addressed to Donald Uhler. Mr. Walker's request is
14 dated September 9th, 2019, and Ms. Knapp's response is
15 dated October 9th, 2019.

16 Mr. Walker, sir, with respect to the
17 document -- excuse me -- the response to your request
18 for production of documents directed to Donald Uhler,
19 which, if any, of those responses do you contend are
20 insufficient?

21 MR. WALKER: A lot.

22 THE COURT: In other words, Mr. Walker, you
23 filed this motion to compel but you did not go through
24 each and every request for production of documents and
25 indicate which you thought were adequate and which you

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1 thought were inadequate. So in order to address those
2 issues, I need to know specifically which of those
3 requests you have an objection to, which of those
4 responses you have an objection to. I apologize.

5 MR. WALKER: As to photo number three.

6 THE COURT: So, we are going to begin,
7 Mr. Walker, just bear with me. So with respect for
8 production for document of No.. 1, you have no objection
9 to Ms. Knapp's response and request to No. 2 you have no
10 objections; is that correct?

11 MR. WALKER: Correct.

12 THE COURT: All right. No. 3 reads as
13 follows: Defendant Donald Uhler produce and permit to
14 inspect, view and copy a picture of the plaintiff's
15 most-recent institutional photo of his face, the whole
16 front view for 2019 with no glasses on.

17 Ms. Knapp has responded that defendants object
18 to this request because color photographs are not in the
19 possession, custody or control and DOCCS cannot provide
20 such photographs to inmates for reasons of safety and
21 security.

22 What's your objection, Mr. Walker, sir, and
23 why is that a proper subject of discovery under Rule 26?

24 MR. WALKER: Judge, well, dealing with myself
25 in terms of a lot of health issues and I've aged over

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1 19 years, so these are factors that play in regard to
2 whether I should be detained in SHU, so, therefore, I
3 want a clear photograph because a photo is available.
4 They have a direct dealing with the photos and a digital
5 photo, so they have that and it's not a security issue
6 because they have the photo.

7 THE COURT: Just because they have them,
8 Mr. Walker, doesn't mean it's not a security issue but,
9 Ms. Knapp, I'm not certain I understand why giving him a
10 copy of his own picture is a security issue.

11 MS. KNAPP: Yes, your Honor. When I inquired
12 about that, it's not just giving him a copy of his photo
13 but it's the color copy of his photo that presents the
14 safety and security issue because apparently they are
15 then, on occasion, used to make forms up, fake I.D.s and
16 for other reasons. So they don't release color copies
17 of the photo.

18 THE COURT: Do they have black and white
19 photos?

20 MS. KNAPP: He's been given a black and white
21 copy.

22 THE COURT: Mr. Walker, sir, do you have a
23 black and white copy of your photo?

24 MR. WALKER: Actually not one with my whole
25 front view. I got one with my side, with -- with

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1 glasses on. I had requested one without the glasses on.

2 THE COURT: Have they recently taken a picture
3 of you without your glasses on, Mr. Walker?

4 MR. WALKER: Yes, they do. And -- and in
5 fact, one that I was provided with with the glasses on
6 has one, a real small one where you can't really see
7 because it's black and white and it's real small.

8 THE COURT: Mr. Walker, I'm going to direct
9 that they provide you with a copy of a black and white
10 photo depicting you without your glasses on.

11 MR. WALKER: Yes. The front view.

12 THE COURT: Mr. Walker, I just agreed with
13 you, sir.

14 MR. WALKER: All right.

15 THE COURT: Thank you. What is the next one
16 you object to?

17 MR. WALKER: I would like No. 6, which is
18 pertaining to the visiting room, the storage documents
19 related to the plaintiff in and out of the property to
20 the visiting room in February and when it was retrieved
21 in April.

22 THE COURT: So, request No. 6 reads as
23 follows: Defendant Donald Uhler produce and permit to
24 inspect, view and copy plaintiff's visiting room and
25 storage documents in relation to plaintiff sending his

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1 property to the visiting room in February and when it
2 was retrieved in April of 2017.

3 What does that have to do, Mr. Walker, sir,
4 with the issues raised in your complaint?

5 MR. WALKER: Okay. Now, I asked for that
6 view, it states that I wanted to assault the deputy
7 superintendent of security, Paul Woodruff, because he
8 wouldn't let me send my property out. Meanwhile, the
9 fact is, the documents show that -- that he did allow me
10 to send my property out on -- in February, and it went
11 in the visiting room in February, and my people forgot
12 to take it with them, and then he extended the courtesy
13 to me and didn't let them destroy it according to the
14 14-day rule that they had, and then the next time, the
15 administration let my people come to visit and it took
16 over three months and ultimately, my property went out,
17 it was because of Deputy Superintendent of Security
18 Woodruff extending the courtesy to me to go to the
19 visiting room, wouldn't destroy according to the policy,
20 which completely contradicts and expose the fallacy of
21 me wanting to assault the deputy superintendent because
22 I wasn't sent out my property.

23 THE COURT: Ms. Knapp, in her answer, has
24 indicated that they would make an effort to locate any
25 such documents, and if they locate and obtain such

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1 documents, they will provide them to you within the
2 scope of discovery under the Federal Rules of Civil
3 Procedure.

4 Ms. Knapp, have you located any such
5 documents?

6 MS. KNAPP: I believe any responsive
7 documents, your Honor, have been provided to Mr. Walker
8 already.

9 THE COURT: Mr. Walker, sir, they're saying
10 they don't have any additional documents beyond what
11 they've given to you.

12 MR. WALKER: Well, they -- well, they -- they
13 never gave me the visiting room showing that my visitors
14 came during this time period 'cause, I never received
15 that, and I never received the -- the date in which
16 my -- my property was packed up out of storage in
17 February and sent out to the visiting room.

18 THE COURT: I'm going to direct that Ms. Knapp
19 make a search and to the extent she has any such
20 documents, I'm going to direct they be provided to you.

21 What's your next objection, Mr. Walker?

22 MR. WALKER: One second.

23 THE COURT: Sure. Take your time.

24 MR. WALKER: No. 13.

25 THE COURT: Mr. Walker, just bear with me,

1 sir, while I find No. 13. All right?

2 No. 13 reads: Defendant Donald Uhler produce
3 and permit to inspect, copy and view any and all time
4 cuts plaintiff received from superintendent and deputy
5 superintendent while he existed at the Clinton
6 Correctional Facility.

7 Ms. Knapp then sets forth an objection and
8 then adds, notwithstanding said objections, however, a
9 good faith effort is being made to locate said
10 documents. If and when said documents are located and
11 obtained, and if such documents are within the scope of
12 discovery under the Federal Rules of Civil Procedure,
13 copies of same will be provided to plaintiff at a future
14 date.

15 Ms. Knapp, have you had any success in
16 locating such documents?

17 MS. KNAPP: Again, your Honor, I believe we
18 provided Mr. Walker with any responsive documents.

19 THE COURT: Mr. Walker, sir, did you receive
20 any documents which are responsive to interrogatory
21 No. 13?

22 MR. WALKER: No.

23 THE COURT: I'm going to direct that Ms. Knapp
24 again reach out to the folks at DOCCS, particularly to
25 Mr. Uhler, to see if there's such documents. If there

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1 are, they be provided to Mr. Walker. If there are no
2 such documents, that she state that DOCCS has been
3 unable to locate such documents.

4 What's next, Mr. Walker?

5 MR. WALKER: 14. That deals with same thing
6 in terms of visiting -- the visiting room list because
7 that shows that the visitors came up in February and
8 then they came up in March and then they came up in
9 April and the property wasn't released until April.

10 THE COURT: No. 14 reads: Defendant Donald
11 Uhler produce and permit to inspect, copy and view
12 plaintiff's complete visitation lists from 2008 to 2019.
13 I'm hard pressed to understand, Mr. Walker, why the
14 visitor list for an 11-year period of time --

15 MR. WALKER: Actually, it's not 11-year period
16 of time.

17 THE COURT: Well, math isn't my forte but 2008
18 to 2019 is 11 years I believe.

19 MR. WALKER: Yes, that's -- that's correct.
20 You -- math is definitely your forte.

21 THE COURT: Thank you.

22 MR. WALKER: What I meant was that I don't
23 need it to 2008. I only need it until 2014 when I began
24 ad seg.

25 THE COURT: What you're looking for,

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1 Mr. Walker, if I understand you now, is from 2014 up
2 until 2019; is that correct?

3 MR. WALKER: Yes, it's 2020 right now because
4 I just went on a visit and -- but I needed mainly for
5 that -- the period in which I sent out my property in
6 which they claim that I wanted to assault the deputy of
7 security because I couldn't send out my property.

8 THE COURT: Ms. Knapp, you can anticipate the
9 question I'm going to ask you. Have you made an effort
10 to see if those documents have been located?

11 MS. KNAPP: Yes, your Honor. I believe we
12 have given him everything that's responsive, and we did
13 assert also this was overly broad because --

14 THE COURT: He's now limited it pretty
15 dramatically.

16 MS. Knapp: Yes, but everything that we have
17 had I believe we have given to Mr. Walker.

18 THE COURT: I'm going to direct that Ms. Knapp
19 check with her folks, Mr. Walker, to make certain they
20 have given you everything. To the extent there are
21 additional documents, they be provided to you.

22 MR. WALKER: Yeah, I have a old copy of my
23 visiting list that -- that -- that includes all 2008,
24 that's why I don't need that but more relevant time
25 during an ad seg is based on that situation that I just

1 spoke of.

2 THE COURT: Your ad seg situation I believe is
3 from 2014 to 2020; is that correct?

4 MR. WALKER: Exactly.

5 THE COURT: Okay.

6 MR. WALKER: Visiting room list is a regular
7 standard data that the BOP has.

8 THE COURT: What's next, Mr. Walker?

9 MR. WALKER: Defendant -- 15.

10 THE COURT: Defendant Donald Uhler produce and
11 permit to inspect, copy and view any and all deprivation
12 orders plaintiff received while at Upstate Correctional
13 Facility.

14 My recollection, Mr. Walker, sir, is that
15 Mr. Uhler was at the Clinton Correctional Facility, he's
16 not at Upstate. Am I incorrect on that?

17 MR. WALKER: Donald Uhler is at Upstate and is
18 the superintendent of Clinton right now. When he was a
19 captain when he was in Clinton.

20 THE COURT: Mr. Walker, sir, I apologize.
21 Perhaps I wasn't clear. In your request for documents
22 it reads Defendant Donald Uhler produce and permit to
23 inspect, copy and view any and all deprivation orders
24 plaintiff received while at Upstate Correctional
25 Facility.

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1 My only question, Mr. Walker, is -- and you
2 certainly have more knowledge of this than I would -- I
3 don't believe Mr. Uhler was ever at the Upstate
4 Correctional Facility. Am I incorrect in that?

5 MR. WALKER: Yes, it's incorrect. He's the
6 superintendent at Upstate Correctional Facility.

7 THE COURT: Mr. Walker, I haven't spent that
8 much time at Upstate Correctional so I didn't know he
9 was the superintendent there. So at some period of time
10 before coming to the Clinton Correctional Facility,
11 Mr. Uhler was the superintendent at the Upstate
12 Correctional Facility?

13 MR. WALKER: He's currently the superintendent
14 of Upstate Correctional Facility.

15 THE COURT: Again, Mr. Walker, sir, I don't
16 have that much contact with the folks at DOCCS;
17 certainly not as much as you do. So I didn't know he
18 was a superintendent at Upstate.

19 MR. WALKER: Right.

20 THE COURT: So now we are all on the same
21 page, you indicated that after stating your objections
22 they would provide you with any such documents.

23 Ms. Knapp, have you found any such documents?

24 MS. KNAPP: Your Honor, with regard to that
25 particular request, we did make an inquiry and I think

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1 I'm pretty much sure we were told there were none, and
2 if there were any, I'm sure I produced it to him.

3 THE COURT: There were no deprivation orders
4 or there were no such documents?

5 MS. KNAPP: No deprivation orders.

6 THE COURT: Mr. Walker, Ms. Knapp tells me
7 she's produced all the documents they have and there are
8 in fact no deprivation orders at Upstate Correctional
9 Facility.

10 MR. KNAPP: Right.

11 THE COURT: Okay. What's your next objection?
12 I find the response to 15 to be adequate.

13 What's your next objection?

14 MR. WALKER: All right. 16.

15 THE COURT: They object to providing a
16 response to 16 and I agree. Your request is overly
17 broad, burdensome, seeks information not relevant to
18 your litigation, and is not proportional to the needs of
19 the litigation. It also involves security concerns when
20 you seek information regarding inmates' assault on
21 correctional staff.

22 I also note that the period encompasses almost
23 20 years, which is not a reasonable request. As such, I
24 find their response to No. 16 to be adequate. Your
25 request or your motion seeking a further response is

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1 denied.

2 What's the next one, Mr. Walker?

3 MR. WALKER: 17. 17.

4 THE COURT: Again, the Court reaches the same
5 conclusion it does with 17 as it did with 16. The
6 request regarding the number of inmates who were
7 extracted from SHU during an almost 20-year period of
8 time is simply irrelevant to your claim. It's overly
9 broad, it's burdensome, poses security risk, and
10 involves the personal privacy of other people, and it
11 goes to issues which are not the subject of this
12 litigation. Your request for a further response to 17
13 is denied.

14 MR. WALKER: 18.

15 THE COURT: The Court reaches the same
16 conclusion with respect to 18, 19, 20.

17 That brings us to -- what's your next
18 objection after 20, Mr. Walker?

19 MR. WALKER: 21.

20 THE COURT: 21 their response is they only
21 keep misbehavior reports for a ten-year period of time.
22 You're seeking a report from over 15 years ago and they
23 say it's been purged and they no longer have it.

24 What would you like me to do, Mr. Walker?

25 MR. WALKER: Nothing. If they don't have it,

1 they don't have it.

2 THE COURT: Well, then I find their response
3 to be adequate that they specifically state misbehavior
4 report has been purged, since correctional facilities
5 only need to keep them for 10 years.

6 MR. WALKER: Thank you.

7 THE COURT: What's your next objection,
8 Mr. Walker?

9 MR. WALKER: 22.

10 THE COURT: 22 they indicated they have no
11 such documents. They do not have copies of all the
12 Articles 78s which you filed since 2000 to 2019.

13 Given the fact that they have checked the
14 records, and they have no such record, I find their
15 response to be adequate.

16 What's your next objection, Mr. Walker?

17 MR. WALKER: 26. 26.

18 THE COURT: The Court finds that their
19 response to 26 is adequate, and the Court finds that
20 your request is overly broad, burdensome, not
21 proportional to the information needed to conduct this
22 litigation.

23 The Court also finds that your request raises
24 security concerns regarding the administration
25 segregation status of inmates other than yourself. The

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1 issues set forming in your litigation relates to the way
2 in which you have been treated or, as you allege,
3 mistreated, and the manner in which other inmates whose
4 criminal history and institutional histories are
5 different than yours have been treated is irrelevant.

6 As such, your request for a further response
7 to 26 is denied. What's next, Mr. Walker?

8 MR. WALKER: 28.

9 THE COURT: 28. Defendant Donald Uhler
10 produce and permit to inspect and view a copy of
11 Upstate's written policy on the Plexiglas on the cell
12 door. The defendants, among other things, indicate
13 they're making a good faith effort to locate that, and
14 if it's located and a proper subject of discovery under
15 the Federal Rules of Civil Procedure, it will be
16 produced.

17 Ms. Knapp, where do you stand with respect to
18 that?

19 MS. KNAPP: Your Honor, I believe that policy
20 states within the directive and we have offered that to
21 him and he said in the past that he already had it.

22 THE COURT: Thank you. Ms. Knapp indicates
23 the only document they have that would contain that
24 information, Mr. Walker, sir, is set forth in the
25 directive. Ms. Knapp indicated she believed you have a

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1 copy of the directive she's referencing. Is that true,
2 sir?

3 MR. WALKER: Yes, I have a copy of the
4 directive, however, I don't believe that's the only
5 document.

6 THE COURT: Well, DOCCS has indicated in their
7 response that that's the only document they have which
8 is responsive to your request. Given the fact they have
9 represented that's all that they have, I find that to be
10 an adequate response.

11 MR. WALKER: All right.

12 THE COURT: That would bring us next,
13 Mr. Walker, to your request with directed to James
14 O'Gorman.

15 MR. WALKER: I believe it's duplicate of
16 the --

17 THE COURT: That was my sense, Mr. Walker, but
18 I wanted to give you a chance to be heard. With respect
19 to Mr. Walker -- excuse me, Mr. O'Gorman, I would give
20 the same rulings with respect to each of your issues
21 that you have raised with respect to Mr. Uhler.

22 I'm going to direct that defendants respond to
23 the O'Gorman request in the same fashion I directed they
24 provide additional information regarding Mr. Uhler.

25 To the extent that I found their prior

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1 responses to Mr. Uhler adequate, I find them adequate
2 with respect to Mr. O'Gorman, and to the extent that I
3 denied your request for additional documents with
4 respect to Mr. Uhler, I make the same ruling and for the
5 same reasons I set forth on the record with respect to
6 Mr. Uhler.

7 And, Mr. Walker, sir, the only two requests
8 for production of documents I have are related to Uhler
9 and O'Gorman.

10 That would seem then, Mr. Walker, to bring us
11 to the latest series of requests for admission that you
12 filed. I would note for the record that the Court has
13 previously ruled on an excess of 600 requests for
14 admissions filed by Mr. Walker; that decision is
15 currently the subject of an appeal, which is Docket
16 No. 64, which is pending in front of Chief United States
17 District Court Judge Suddaby.

18 The Court would again note, as I noted in the
19 last decision and order, that notices to admit are
20 governed by Federal Rule of Civil Procedure 36(a)(4),
21 and as I noted earlier, requests for admissions are not
22 intended to be discovery devices like depositions or
23 requests to produce. It's properly understood.
24 Therefore, your request to admit presupposed that the
25 party proceeding under it knows the facts or has the

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1 document and really wishes its opponent to concede their
2 genuineness. A party who desires to discover what the
3 facts are should resort to other discovery devices
4 rather than Rule 36.

5 As a result, requests for admissions are
6 required to be simple and direct and should promote the
7 overall function of narrowing the issues before the
8 Court at the time of trial.

9 The manifest purpose of Rule 36 is to provide
10 a means of fulfilling one of the mandates of Rule 1 of
11 the Federal Rules of Civil Procedure, to reduce the cost
12 of litigation by eliminating the necessity of proving
13 facts which are not a substantial dispute, to narrow the
14 scope of disputed issues, and to facilitate the
15 presentation of cases to the trier of fact.

16 In this regard, requests for admissions are
17 generally used on factual matters upon which there is no
18 real dispute or to request a termination concerning the
19 genuineness of particular records or procedures.

20 Recognizing that this procedure is subject to
21 abuse, courts have excused parties from responding to
22 requests for admissions that are not designed to
23 identify and eliminated matters in which the parties
24 agree but, rather, seek information relating to a
25 fundamental agreement which is at the heart of the

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1 lawsuit.

2 With that preface, Mr. Walker, sir, we are
3 going to look first at the notice, your request for
4 notice to admissions directed to Joseph Bellnier.

5 Do you have those in front of you, Mr. Walker,
6 sir?

7 MR. WALKER: Yes. Yes, I have them in front
8 of me.

9 THE COURT: That's good, Mr. Walker. I was
10 just trying to organize things so I can proceed in what
11 appears to me to be a logical fashion.

12 With respect to the request for admissions
13 directed to the Defendant Joseph Bellnier, the Court
14 directs as follows:

15 The defendants are directed to provide a
16 further response to request for admissions No. 1 and 3.

17 The Court finds that the defendants have
18 provided an adequate answer to request for admissions
19 No. 6, 9, 11, 14 and 15.

20 With respect to requests for admissions No. 5,
21 16 and 17, that request is denied upon the grounds that
22 the request for admissions seek information upon which
23 there is a fundamental disagreement among the parties,
24 and the request for admission go to the heart of the
25 issue, excuse me, go to the issues which are at the

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1 heart of this litigation.

2 With respect to request for admissions No. 2,
3 4, 7, 10, 12 and 13, those requests for admissions are
4 denied, as the Court finds that the request for
5 admissions seek information which are irrelevant.

6 With respect to interrogatories 2, 8, 10, 12
7 and 13, the Court finds that a further response is not
8 required, as the request for admission is directed to a
9 party who is not in possession of that information and
10 is not an appropriate person to respond to that request
11 for admission.

12 MR. WALKER: You said interrogatory.

13 THE COURT: I misspoke, Mr. Walker, sir. I
14 apologize.

15 To restate, with respect to notice to admit
16 number 2, 8, 10, 12 and 13, they are denied as the
17 notices to admit are not the proper subject of a notice
18 to admit directed to this particular defendant. As
19 such, no further response to the notice to admit is
20 required.

21 Mr. Walker, sir, that addresses all of your
22 interrogatories -- excuse me -- your requests for
23 admissions directed to Mr. Bellnier.

24 That brings us next to your request for
25 admissions directed to Donald Uhler. Do you have Donald

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1 Uhler in front of you, sir?

2 MR. WALKER: Yes.

3 THE COURT: With respect to interrogatory
4 number -- excuse me. I apologize; I keep saying
5 interrogatory. I'm going to talk about your
6 interrogatories next, Mr. Walker.

7 With respect to notice of request for
8 admissions No. 1 directed to Donald Uhler, I'm going to
9 direct that a further response be provided.

10 With respect to notice to admit No. 2, the
11 request for a further response is denied. That notice
12 to admit is not the proper subject of a notice to admit
13 directed to this defendant.

14 With respect to requests for admission No. 3,
15 I'm going to direct that a further response be provided.

16 With respect to notice to admit No. 4, the
17 request for further response is denied, as the Court
18 finds that notice to admit seeks irrelevant information.

19 With respect to No. 5, notice to admit No. 5,
20 the Court is going to deny the request for a further
21 response, as notice No. 5 seeks information upon which
22 there's a fundamental dispute among parties and it goes
23 to the issues which are at the heart of this litigation.

24 With respect to notice to admit No. 6, the
25 Court finds the defendants have provided an adequate

1 response.

2 With respect to notice to admit No. 7, the
3 request for further response is denied. The Court finds
4 this notice to admit seeks irrelevant information.

5 With respect to notice admit No. 8, the
6 request for further response is denied, as the Court
7 finds that the notice to admit is not the proper subject
8 of a notice to admit directed to this defendant.

9 With respect to notice to admit No. 9 and
10 No. 10, the Court finds that both of those are not the
11 proper subject of a notice to admit directed to this
12 defendant.

13 With respect to notice to admit No. 10, the
14 request for further response is denied, as the Court
15 finds that notice to admit seeks information upon which
16 there's a fundamental disagreement among the parties.
17 It goes to the issues which are at the heart of this
18 litigation.

19 With respect to noticed to admit No. 12, the
20 request for further response is denied, as the Court
21 finds that the notice to admit seeks information which
22 is irrelevant to the issues in this litigation.

23 With respect to notice to admit No. 13, the
24 request for further response is denied, as the Court
25 finds that the notice to admit seeks information which

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1 is irrelevant to the issues set forth in this
2 litigation.

3 With respect to notice to admit No. 14, the
4 Court finds that the response is adequate, as documents
5 have been provided to the plaintiff which contain
6 information which he seeks in this notice to admit. The
7 Court would further note that this notice to admit is
8 improper and it's not the proper subject of a notice to
9 admit directed to this defendant.

10 The Court is going to direct that a further
11 response be provided to -- excuse me -- notice to admit
12 No. 15, the response to the notice to admit is not
13 adequate. The Court is going to deny the motion seeking
14 a further response to notice to admit No. 16, as it
15 seeks information upon which there's a fundamental
16 disagreement among the parties, and it goes to the
17 issues at the heart of this litigation.

18 With respect to notice to admit No. 17, the
19 Court is going to direct that a further response be
20 provided to the notice to admit.

21 Mr. Walker, sir, that addresses your motion to
22 compel as far as it pertains to the second request for
23 admissions directed to Mr. Uhler.

24 That brings us next, Mr. Walker, sir, to
25 Mr. Woodruff. Do you have Mr. Woodruff in front of you?

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1 MR. WALKER: Yes, sir.

2 THE COURT: Not personally but his request for
3 admissions?

4 MR. WALKER: Yes.

5 THE COURT: With respect to the request for
6 admissions directed to Defendant Paul Woodruff, the
7 Court directs that a further response be provided to
8 request for admission No. 1, 3 and 15. The Court finds
9 that adequate answers have been provided to the request
10 for admissions directed to Mr. Woodruff, which are
11 No. 6, 9, 11, and 14.

12 The plaintiff's motion to compel seeking
13 further responses to notices to admit No. 5, 11 and 16
14 are denied, as those requests for admissions seek
15 information upon which there's a fundamental
16 disagreement among the parties and seeks information
17 which goes to the heart of the issues in this
18 litigation.

19 Mr. Walker's request for further responses to
20 notice to admit No. 2, 4, 7, 10, 12 and 13 are denied as
21 that notice to admit or those notices to admit seek
22 irrelevant information.

23 Notices to admit No. 2, 8 and 10 are denied,
24 as they are not the proper subject of a notice to admit
25 directed to Mr. Woodruff.

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1 Mr. Walker, that addresses all of your
2 requests for admissions directed to Defendant Woodruff.

3 That brings us next to your request for
4 admissions directed to Defendant Joanne Fitchette. Do
5 you have those in front of you, Mr. Walker?

6 MR. WALKER: Yes.

7 THE COURT: With respect to Defendant Joanne
8 Fitchette, the Court is directing that further responses
9 be provided to notices to admit No. 1 and 3.

10 With respect to plaintiff's request for
11 admissions, the Court finds that adequate responses have
12 been provided to request for admissions No. 6, 9 and 14.

13 Plaintiff's request for further responses to
14 the notices to admit dated -- excuse me -- No. 5, 11 and
15 15 are denied, as they seek information upon which
16 there's a fundamental disagreement between the parties
17 and seeks information which goes to the heart of this
18 litigation.

19 Plaintiff's motion to compel seeking further
20 responses to requests for admission No. 2, 4, 7, 10, 12
21 and 13 are denied upon the grounds that they are
22 irrelevant and not related to the issues in this
23 litigation.

24 With respect to notices to admit No. 2, 4, 7,
25 8, 10, 11, 13, 14 and 16, those are denied, the request

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1 of further responses denied. They are not the proper
2 subject of a notice to admit directed to this defendant.

3 Mr. Walker, sir, that addresses all of your
4 requests for admissions directed to Defendant Joanne
5 Fitchette.

6 That brings us next, Mr. Walker, sir,
7 to Defendant Melissa Cook. Do you have the request for
8 admission related to Miss Cook in front of you, sir?

9 MR. WALKER: Yes.

10 THE COURT: With respect to Defendant Melissa
11 Cook, the plaintiff's motion to compel further responses
12 to his request for admission, the Court rules as
13 follows:

14 The Defendant Melissa Cook is directed to file
15 a further response to notice to admit No. 1.

16 With respect to responses to notice to admit
17 No. 3, 6, 9, 14 and 15, the Court finds the defendants
18 have provided adequate responses.

19 With respect to notice -- request for
20 admission No. 5 and 11, the motion seeking compel to
21 further responses is denied, as the Court finds those
22 notices to admit seek information upon which there's a
23 fundamental disagreement between the parties, and the
24 notice to admit goes to the issues which are at the
25 heart of this litigation.

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1 With respect to notices to admit No. 2, 4, 7,
2 10, 12 and 13, the motion seeking to compel further
3 responses is denied upon the grounds that the Court
4 finds those notices to admit are irrelevant.

5 With respect to notices to admit No. 2, 4, 7,
6 8, 10, 12, 13 and 14, the motions seeking to compel
7 further response is denied upon the grounds that the
8 Court finds that the notice to admit is not the proper
9 subject of a notice to admit directed to this particular
10 defendant.

11 Mr. Walker, sir, that addresses all of your
12 requests for admissions directed to Miss Cook.

13 That brings us next to your request for
14 admissions directed to James O'Gorman. Do you have
15 those in front of you, Mr. Walker?

16 MR. WALKER: Yes.

17 THE COURT: With respect to plaintiff's motion
18 to compel further responses to admissions directed to
19 Defendant James O'Gorman, the Court rules as follows:

20 The motion to compel further responses is
21 granted. With respect to responses No. 1 and 3, the
22 defendant is directed to provide a further response to
23 those requests for admissions.

24 The Court finds with respect to notice to
25 admit No. 6, 9, 13 and 15 that the defendant has

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1 provided an adequate response and, therefore, the motion
2 to compel with respect to those numbered requests for
3 admission is denied.

4 Plaintiff's motion seeking to compel
5 additional responses to notices to admit No. 5, 8, 11,
6 16 and 17 are denied on the grounds that each of those
7 notices to admit seek information upon which there's a
8 fundamental disagreement between the parties, and those
9 notices to admit go to the issues which are at the heart
10 of this litigation.

11 Plaintiff's motion seeking to compel further
12 responses to request for admission No. 2, 7, 10, 12 and
13 13 are denied on the grounds that the Court finds those
14 notices to admit are directed to information which is
15 irrelevant, not related to the issues in this
16 litigation.

17 With respect to responses 2, 5, 7, 8, 10, 11,
18 12, 14 and 17, plaintiff's motion seeking to compel
19 further response is denied, as those notices to admit
20 are not the proper subject of a notice to admit directed
21 to Mr. O'Gorman.

22 That, Mr. Walker, sir, addresses all of
23 your -- all of the issues raised in your motion to
24 compel further responses to request for admissions.

25 That brings us next to the disputed

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1 interrogatories, Mr. Walker. Do you have your
2 interrogatories in front of you?

3 MR. WALKER: Yes.

4 THE COURT: The service of interrogatories is
5 governed by Rule 33 of the Federal Rules of Civil
6 Procedure, and Rule 33(a)(1) provides unless otherwise
7 stipulated or ordered by the Court, a party may serve on
8 any other party no more than 25 written interrogatories,
9 including all discrete subparts.

10 It's my understanding what happened,
11 Mr. Walker, sir, is you served these interrogatories
12 upon Ms. Knapp. These interrogatories being dated
13 July 3rd of 2019. Ms. Knapp rejected your
14 interrogatories upon the grounds that each of your
15 interrogatories contained more than 25 interrogatories
16 or discrete subparts and she advised you she would not
17 answer them because they exceeded the number of
18 interrogatories permitted by Rule 33.

19 You then re-served the interrogatories and
20 re-dated them on September 18th of 2019.

21 Mr. Walker, sir, Ms. Knapp contends that your
22 interrogatory requests directed to Defendants exceed 25
23 in number and therefore she did not answer them.

24 What's your response to that, Mr. Walker?

25 MR. WALKER: That's inaccurate. She said

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1 subparts. The first time she was saying it was compound
2 question. I acknowledged the validity of the statement
3 and I did the whole thing over. Second time she claimed
4 that it's a subparts, is a three -- that it's a -- they
5 constitute more than 25 interrogatories.

6 Now according to the law, the subpart of the
7 discrete because it's separate interrogatory when
8 there's lots of independent questions posed by the basic
9 interrogatory. Each -- and, I mean, also necessarily
10 related to the primary interrogatory. So each one of
11 mine fall in the category to constitute a single subpart
12 equals one interrogatory, and I wrote her pertaining to
13 that, showing her case law that says subpart is --
14 constituted one interrogatory. She rejected it further.

15 THE COURT: Ms. Knapp, what's your -- let's
16 take, for example, a look at the interrogatories
17 directed to Joseph Bellnier that's dated September 18th
18 of 2019, which is No. 22 but Mr. Walker's
19 interrogatories contain certain subparts, for want of a
20 better phrase.

21 MS. KNAPP: Yes, your Honor. With regard to
22 the Bellnier interrogatories, although the
23 interrogatories are listed and number up to No. 22,
24 there are multiple interrogatories of that discrete
25 subparts, A, B and C, which bring them over the limit

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1 set forth in the applicable federal Rule 33.

2 I advised Mr. Walker in a timely manner that
3 these were noncompliant, that he had to abide by the
4 limits set forth and, again, with all of these discrete
5 subparts, he is over the limit and these are
6 noncompliant.

7 THE COURT: Mr. Walker, sir, there must be
8 certain of these interrogatories which are more
9 important to you than others; isn't that true?

10 MR. WALKER: Yes.

11 THE COURT: For example, why do you need to
12 know how old somebody is?

13 MR. WALKER: Based on their judgment and
14 ruling, perhaps that might -- why they can't give me
15 meaningful review.

16 THE COURT: Do you think as people get older
17 they don't become wiser, Mr. Walker?

18 MR. WALKER: Not necessarily.

19 THE COURT: I didn't sense you felt that way
20 about me, Mr. Walker, that's why I asked.

21 MR. WALKER: Kicks in all types of things
22 basically. But, you know, actually, that is not a --
23 that is not really a -- really necessity but, however,
24 the questions in terms of being the subparts in terms of
25 being discrete and separate is validated all day because

1 each one of them is allowed to me and it's actually
2 independent for the question posed by the basic
3 interrogatory, and it's related to the primary
4 interrogatories, so --

5 THE COURT: Mr. Walker, let me ask you a
6 question, sir. It appears to me, and you're much more
7 familiar with these documents than I am. Your
8 interrogatory is directed to each of the defendants
9 appear pretty similar to me. Is that true or am I
10 incorrect?

11 MR. WALKER: Yes.

12 THE COURT: Are they identical?

13 MR. WALKER: Not exactly. There's different
14 ones but it is pretty much similar, though. It's pretty
15 similar.

16 THE COURT: All right. Over Ms. Knapp's
17 objection, in view of the Second Circuit's directive
18 that we show special solicitude to inmates, I'm going to
19 direct that she answer some of these interrogatories,
20 Mr. Walker. Frankly, having gone through your
21 interrogatories at great length, there are more 25 but
22 because you're an inmate, I'm going to go through these
23 with you and direct that she respond to them.

24 I'm going to direct that she not respond to
25 interrogatory No. 1. The issue of how old someone is

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1 just not relevant. I'm going to direct that she provide
2 you with the response to interrogatory No. 2,
3 interrogatory No. 3.

4 I'm going to direct she not provide a response
5 to interrogatory No. 4. I find it vague and confusing
6 as to what qualifications are required in order to hold
7 a position.

8 I'm going to direct she provide you with a
9 response to interrogatory No. 25. Excuse me, No. 5,
10 including the various parts.

11 I'm going to direct that she provide you with
12 a response to interrogatory No. 6. I'm going to direct
13 she provide you with a response to No. 7. I'm going to
14 direct she provide you with a response to response to
15 No. 8. I'm going to direct she not provide you with a
16 response to interrogatory No. 9; I find it irrelevant
17 and will carry you well over the 25 number.

18 With respect to interrogatory No. 10, is your
19 question -- did you receive nine administrative seg
20 reviews on the same date, Mr. Walker?

21 Mr. Walker, are you still there, sir?

22 MR. WALKER: Yes. On January 22nd, 2019.

23 THE COURT: My question is, did you actually
24 receive nine separate ones on that date?

25 MR. WALKER: Yes.

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1 THE COURT: Okay.

2 MR. WALKER: And it has a administration
3 stamp on it too.

4 THE COURT: That's fine, Mr. Walker. I didn't
5 understand your question. I will direct they respond to
6 No. 10.

7 I find No. 11 to be irrelevant, overly broad,
8 burdensome, seeking information not related to this
9 litigation. I'm not going to respond to 11.

10 Mr. Walker, No. 12 you asked him for hundreds
11 of cases involving inmates in SHU in the last 18 years.
12 It's overly broad, it's burdensome, it seeks information
13 not related to this litigation. I find -- make the same
14 ruling with respect to 13. I'm going to direct they
15 provide you with a response to 13-B, not A, but 13-B; I
16 find that response to be relevant.

17 I will direct they provide you with a response
18 to 14; direct they not provide you with a response to
19 15, the question is argumentative, it assumes facts not
20 in evidence. It goes to the issues of the heart of the
21 litigation as to whether or not you received a
22 meaningful review.

23 I will direct they provide you with a response
24 to 16. To the extent that Mr. Bellnier can answer, I
25 will direct they provide you with a response to 17. I'm

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1 going to direct they not provide you with a response to
2 18; it's not the proper servicing of an interrogatory,
3 it also goes to the issue of the heart of this
4 litigation.

5 I'll direct they provide you with a response
6 to 191. I'll direct they provide you with a response to
7 20, 21. I'll direct they provide a response to 22, the
8 first part but not the subpart A.

9 Ms. Knapp, with that direction with respect to
10 those interrogatories, does that give you guidance as to
11 respond to the other sets or do you want to go through
12 each of the other sets?

13 MS. KNAPP: Honestly, your Honor, I'm not sure
14 how -- he said they're similar but not exact. I --

15 THE COURT: Let's go through.

16 Ms. Knapp: It does give me guidance but I'm
17 not sure if there's --

18 THE COURT: Let's go through them. Do you
19 have Melissa Cook in front of you, Mr. Walker?

20 MR. WALKER: Yes. Yes.

21 THE COURT: Mr. Walker, you said these are
22 substantially similar to the ones that you served with
23 respect to Mr. Bellnier.

24 MR. WALKER: If we are going to go over
25 another single one to --

1 THE COURT: Well, Ms. Knapp is not certain as
2 to what different interrogatories may appear in
3 different sets. Given the guidance I gave her with
4 respect to Mr. Bellnier, she's prepared to provide
5 responses to those but -- do you understand what she's
6 going to do? Some of the questions may be different
7 with respect to different people.

8 MR. WALKER: Yes. So, if it's possible, I
9 would appreciate that we can just go over the Parole
10 Woodruff one, and if that one is -- it's only a
11 few separate ones in there that I -- I would like
12 addressed.

13 THE COURT: Okay.

14 MR. WALKER: That's not necessarily in the
15 others ones so if we can address that one and then she
16 can have an idea of, you know, what else.

17 THE COURT: I've got Paul Woodruff in front of
18 me; not personally but his interrogatories. Do you have
19 those in front of you?

20 Mr. Walker, sir, do you have Paul Woodruff
21 request for interrogatory in front of you?

22 MR. WALKER: Yes.

23 THE COURT: We agree, I think, Mr. Walker,
24 that question one about how old he is is not
25 particularly important at this point.

1 MR. WALKER: Yes.

2 THE COURT: They will provide you with a
3 response to No. 2, No. 3. No. 4 I previously directed
4 that Mr. Bellnier did not have to provide a response to
5 that.

6 No. 5, I'll direct that he provide a response,
7 Ms. Knapp. To the extent that Mr. Woodruff has some
8 idea as to how that information came to be in the
9 record, I'll direct that he provide a response. If he
10 doesn't have any personal knowledge, he can respond as
11 such. I'll direct that a response be provided to 6 and
12 to 7.

13 I believe I directed that Mr. Bellnier not
14 provide a response to number 8; that is the subject of
15 the issues in this litigation. I will direct he not
16 provide a response to No. 9; it's not relevant.

17 I'll direct he provide a further or provide an
18 interrogatory response to No. 10. I'll direct that he
19 not provide a response to No. 11 for the same basis I
20 set forth with Mr. Bellnier.

21 I'm going to direct he not provide a response
22 to Nos. 12, 13 and 14 for the same reasons I set forth
23 with respect to Mr. Bellnier. I'll direct he provide a
24 further response -- excuse me -- provide a response to
25 interrogatory No. 14.

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1 I'm going to direct that he not provide a
2 response to No. 15, as it's argumentative and goes to
3 the issues at the heart of this litigation as to what is
4 necessary for Mr. Walker to receive a meaningful review.
5 It also assumes the fact that false information has been
6 provided, which is clearly the subject of a dispute in
7 this litigation. I'll direct he provide a response to
8 16 and 17.

9 I'll direct he not provide a response to 18,
10 that interrogatory does not seek factual information
11 but, rather, goes to the issues at the heart of this
12 litigation. I'll direct he be given a response to 19,
13 20 and to 21.

14 That addresses Mr. Woodruff, sir. Does that
15 satisfy you or do you want me to go through additional
16 sets of interrogatories?

17 MR. WALKER: No, I think that's pretty
18 suffice.

19 THE COURT: Ms. Knapp, does that suffice for
20 you?

21 MS. KNAPP: I believe so, your Honor.

22 THE COURT: Ms. Knapp, how much time do you
23 need to do that?

24 MS. KNAPP: Could I have 45 days from the date
25 I receive your order please?

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1 THE COURT: All right. So I'm going to give
2 Ms. Knapp 60 days from today to do that. So today is
3 the 23 of January. I'm going to direct she file her
4 responses by the 24th of February.

5 Ms. Knapp: That's only a month.

6 THE COURT: I apologize, as I indicated to
7 Mr. Walker earlier, math is not my forte. I meant to
8 say March 25th.

9 Ms. Knapp: Sounds better.

10 THE COURT: I'm a lawyer. Mr. Walker, that
11 addresses all of your requests. I'm now going to set a
12 deadline once you get those for the filing of
13 dispositive motions.

14 Do you anticipate filing a dispositive motion,
15 Mr. Walker?

16 MR. WALKER: Yes.

17 THE COURT: Okay.

18 MR. WALKER: I -- and I -- and in the event
19 that this discovery matter could be resolved, I'll
20 definitely be moving for summary judgment.

21 THE COURT: Well, once you get the
22 information, Mr. Walker, I'm going to give you 60 days
23 from the time you get the information to file your
24 dispositive motion. Do you understand that?

25 MR. WALKER: Yes. You know, one little issue

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1 also. I'm still not able to obtain copies from the law
2 library. You obtained interrogatories and from --
3 from the attorney, however, I was never able to get you
4 copies of any of those documents because I was denied at
5 the law library. They said it's not a part of this
6 action and you said it's not part of this action.

7 THE COURT: I don't know what -- I don't
8 understand what you're talking about, Mr. Walker, sir,
9 but to the extent you have difficulties obtaining copies
10 to prepare your motion for dispositive motion, you need
11 to address that with the facility. If for some reason
12 you can't get copies of documents that have already been
13 filed, notify the Court and we will see what we can do
14 to help you out.

15 MR. WALKER: So basically you want me to put
16 in another motion.

17 THE COURT: Trust me, the last thing in the
18 world I want you to do, Mr. Walker, is put in another
19 motion. I'm uncertain what you want me to do for you,
20 Mr. Walker.

21 MR. WALKER: The documents was -- clearly
22 stated the interrogatories was, which I filed and
23 reserved her without the -- everything else on it, and
24 now I'm going to go through the same process again. The
25 documents you said that it was not a part of this

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1 action, it's the only documents that I have.

2 THE COURT: I didn't say -- Mr. Walker, I
3 don't know what you're talking about, sir. What I said
4 was, at the beginning of this conference, when you filed
5 your motion you did not annex copies of the
6 interrogatories, your interrogatories to their
7 responses. So, in order to --

8 MR. WALKER: I don't have copies.

9 THE COURT: Which is why, in order to move
10 this matter forward, Ms. Burtt, from my office, reached
11 out to Ms. Knapp, and I had them provide me with copies
12 of them so I could spend the last couple of days going
13 through them and preparing for toward's conference.

14 MR. WALKER: I appreciate that.

15 THE COURT: If in filing your motion for
16 summary judgment you need a copy of a document that was
17 previously provided to the Court or to Ms. Knapp, you
18 can let the Court know, and to the extent that I have
19 such a document and you don't, we will endeavor to get
20 you a copy.

21 MR. WALKER: I'm talking about the documents
22 since being supplied the Court and the attorney were
23 copied to keep a copy for myself for summary judgment
24 motion.

25 THE COURT: Well, again, Mr. Walker, I

1 apologize. I don't understand what you're saying. You
2 intend to file a dispositive motion. Is that correct?

3 MR. WALKER: Yes.

4 THE COURT: When you do that, you need to
5 provide a copy of the motion to the Court so I can read
6 it, and to Ms. Knapp so she can respond to it.

7 MR. WALKER: I need to have a copy for myself.

8 THE COURT: And you need to have a copy for
9 yourself.

10 MR. WALKER: Correct.

11 THE COURT: So what difficulty do you
12 anticipate?

13 MR. WALKER: I anticipate them -- me sending
14 to the law library with your court order saying that
15 this is the case for the docket number on them and then
16 returning, talking about is not a part of this action,
17 and then I file a motion and then you say it's not a
18 part of this action and there's no other action.

19 THE COURT: Mr. Walker, I don't have any idea
20 what you're talking about. I'm sorry. You need to try
21 to explain to me more clearly. I'm simply not following
22 what you are saying.

23 MR. WALKER: All right. Well, what I'm saying
24 is that the only problem that I'm having as far as
25 obtaining copies is that they require that I have a

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1 court order that states that it's pertaining to this
2 case, and when I have done that and provided it to the
3 administration, your court order and the documents are
4 the same docket number on it. They denied me getting
5 copies, saying I don't have a court order.

6 Then when I file the motion, the -- the -- I
7 obtain copies which you -- you determined that it was
8 not part of this action. It was no -- it was no
9 other -- it was no other interrogatories or no other
10 case that I have with the same document number.

11 All these documents that you obtain from the
12 attorney, which I'm grateful that she was able to do
13 that, I couldn't obtain copies for them because I
14 provided you which I was supposed to do.

15 THE COURT: So, Mr. Walker, if you have
16 difficulty obtaining copies when you go to make your
17 dispositive motion, send me a letter and I'll address it
18 for you. I've never had to send an order to a law
19 library before to get them to let someone make copies.
20 So I'm somewhat confused as to why you're having that
21 difficulty but once your motion for -- your dispositive
22 motion is prepared, if you have difficulty making copies
23 so you can provide one to the Court and one to Ms. Knapp,
24 you notify the Court and we will see what we can do to
25 address that for you.

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1 MR. WALKER: All right. Thank you.

2 THE COURT: All right. So you are going to
3 file your dispositive motion by the date I'm about to
4 give you. I'm going to give you 60 days, Mr. Walker and
5 Ms. Knapp, to file your dispositive motions. So they
6 are going to get all of the additional discovery I
7 directed them by March 25th. So 60 days would be -- a
8 little more than 60 days would be May 29th.

9 MR. WALKER: All right.

10 THE COURT: Okay?

11 MR. WALKER: Yes.

12 THE COURT: So what's going to happen,
13 Mr. Walker, sir, our court reporter, Lisa, who is
14 diligently taking all of this down, is going to prepare
15 a transcript of today's proceeding. I'm going to do an
16 order, and I'm going to send you a copy of the decision
17 and order with the transcript annexed, I'm going to send
18 a copy to Ms. Knapp as well, and if you or Ms. Knapp
19 fail to see the wisdom of what I've done, you can file a
20 appeal to Chief Judge Suddaby. Do you understand that?

21 MR. WALKER: Yes.

22 THE COURT: Mr. Walker, that seems to address
23 all of the issues that are pending today.

24 You and Ms. Knapp have a nice weekend. All
25 right?

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1 MR. WALKER: All right. Thank you.

2 MS. KNAPP: Thank you, your Honor.

3 (Proceeding concluded)

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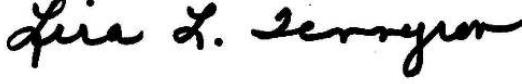
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8 C E R T I F I C A T I O N

9

10
11 I, Lisa L. Tennyson, RMR, CSR, CRR, Federal
12 Official Realtime Court Reporter, in and for the United
13 States District Court for the Northern District of New
14 York, do hereby certify that pursuant to Section 753,
15 Title 28, United States Code, that the foregoing is a
16 true and correct transcript of the stenographically
17 reported proceedings held in the above-entitled matter
18 and that the transcript page format is in conformance
19 with the regulations of the Judicial Conference of the
20 United States.

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22 

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Lisa L. Tennyson, R.M.R., C.S.R., C.R.R.

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